

1 HOUSE BILL NO. 326

2 INTRODUCED BY B. USHER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING BICYCLE LAWS; DISTINGUISHING
5 BICYCLES FROM OFF-HIGHWAY VEHICLES AND MOPEDS; AND AMENDING SECTIONS 23-2-801, 61-1-
6 101, AND 61-8-102, MCA."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **Section 1.** Section 23-2-801, MCA, is amended to read:

11 **"23-2-801. Definition.** (1) As used in this part, "off-highway vehicle" means a self-propelled vehicle
12 used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term
13 includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion
14 vehicles, and any other means of land transportation deriving motive power from any source other than muscle
15 or wind.

16 (2) Off-highway vehicle does not include:

17 (a) vehicles designed primarily for travel on, over, or in the water;

18 (b) snowmobiles; ~~or~~19 (c) bicycles as defined in 61-8-102; or

20 ~~(d)~~ except as provided in 23-2-804, vehicles otherwise issued a certificate of title and registered
21 under the laws of the state, unless the vehicle is used for off-road recreation on public lands."

22

23 **Section 2.** Section 61-1-101, MCA, is amended to read:

24 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following
25 definitions apply:

26 (1) (a) "Authorized agent" means a person who has executed a written agreement with the
27 department and is specifically authorized by the department to electronically access and update the
28 department's motor vehicle titling, registration, or driver records, using an approved automated interface, for

1 specific functions or purposes on behalf of a third party.

2 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited
3 partnership, limited liability company, association, joint venture, state agency, local government unit, another
4 state government, the United States, a political subdivision of this or another state, or any other legal or
5 commercial entity.

6 (2) "Authorized agent agreement" means the written agreement executed between an authorized
7 agent and the department that sets the technical and operational program standards, compliance criteria,
8 payment options, and service expectations by which the authorized agent is required to operate in performing
9 specific motor vehicle or driver-related record functions.

10 (3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll
11 hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

12 (4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the
13 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the
14 transportation of persons for compensation.

15 (5) (a) "Business entity" means a corporation, association, partnership, limited liability partnership,
16 limited liability company, or other legal entity recognized under state law.

17 (b) The term does not include an individual.

18 (6) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached
19 to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to
20 a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

21 (b) The term does not include a truck canopy cover or topper.

22 (7) "CDLIS driver record" means the electronic record of a person's commercial driver's license status
23 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

24 (8) "Certificate of title" means the paper record issued by the department or by the appropriate agency
25 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons
26 and the motor vehicle specifically described in the record and that provides notice of a perfected security
27 interest in the motor vehicle.

28 (9) "Commercial driver's license" means:

1 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to
2 operate a class of commercial motor vehicle; or

3 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a
4 valid commercial driver's license.

5 (10) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in
6 commerce to transport passengers or property if the vehicle:

7 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,
8 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

9 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is
10 greater;

11 (iii) is designed to transport at least 16 passengers, including the driver;

12 (iv) is a school bus; or

13 (v) is of any size and is used in the transportation of hazardous materials.

14 (b) The following vehicles are not commercial motor vehicles:

15 (i) an authorized emergency vehicle:

16 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

17 (B) operated when responding to or returning from an emergency call or operated in another official
18 capacity;

19 (ii) a vehicle:

20 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the
21 farmer;

22 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within
23 Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana,
24 within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

25 (C) not used to transport goods for compensation or for hire; or

26 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military
27 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,
28 personnel in part-time national guard training, and national guard military technicians, or active duty United

1 States coast guard personnel.

2 (c) For purposes of this subsection (10):

3 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land
4 or crops or the raising of livestock owned by or under the direct control of that person;

5 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded
6 weight of a combination or articulated vehicle;

7 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight
8 of a single vehicle; and

9 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

10 (11) "Commission" means the state transportation commission.

11 (12) "Custom-built motorcycle" means a motorcycle that is equipped with:

12 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been
13 altered from the manufacturer's original design; or

14 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been
15 constructed in whole or in part from nonoriginal materials.

16 (13) "Custom vehicle" means a motor vehicle other than a motorcycle that:

17 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

18 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current
19 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at
20 least 25 years old; and

21 (b) has been altered from the manufacturer's original design or has a body constructed from
22 nonoriginal materials.

23 (14) "Customer identification number" means:

24 (a) a driver's license or identification card number when the customer is an individual who has been
25 issued a driver's license or identification card by a state driver licensing authority;

26 (b) a federal employer or tax identification number when the customer is a business entity that has
27 been issued a federal employer or tax identification number;

28 (c) the identification number assigned by the secretary of state to a business entity authorized to do

1 business in this state under Title 35 if the customer is a business entity that does not have a federal employer
2 or tax identification number other than a social security number; or

3 (d) if the customer has not been issued one of the numbers described in subsections (14)(a) through
4 (14)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

5 (15) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the
6 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,
7 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special
8 mobile equipment that is not registered in the name of the person.

9 (b) The term does not include the following:

10 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
11 under a judgment or order of any court of competent jurisdiction;

12 (ii) employees of the persons included in subsection (15)(b)(i) when engaged in the specific
13 performance of their duties as employees; or

14 (iii) public officers while performing or in the operation of their duties.

15 (16) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum
16 load to be carried on the vehicle as stated by the registrant in the application for registration.

17 (17) "Department" means the department of justice acting directly or through its duly authorized
18 officers or agents.

19 (18) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and
20 trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

21 (19) "Domiciled" means a place where:

22 (a) an individual establishes residence;

23 (b) a business entity maintains its principal place of business;

24 (c) the business entity's registered agent maintains an address; or

25 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,
26 or pole trailer that it owns or leases.

27 (20) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as
28 maintained by the department on the individual Montana driving record and the CDLIS driver record for that

1 person.

2 (21) "Driver" means a person who drives or is in actual physical control of a vehicle.

3 (22) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by
4 the laws of this state, including:

5 (a) any temporary license or learner license;

6 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid
7 license;

8 (c) any nonresident's driving privilege;

9 (d) a motorcycle endorsement; or

10 (e) a commercial driver's license.

11 (23) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is
12 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the
13 maximum speed of the device to 12 1/2 miles an hour.

14 (24) "For hire" means an action performed for remuneration of any kind, whether paid or promised,
15 either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements
16 from which a remuneration is obtained or derived for transportation service.

17 (25) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person
18 or persons and golf equipment and that has an average speed of less than 15 miles per hour.

19 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory
20 liability insurance requirements under this title.

21 (26) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on
22 the vehicle.

23 (27) "Hazardous material" means:

24 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be
25 placarded under 49 CFR, part 172; or

26 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

27 (28) "Highway" or "public highway" means the entire width between the boundary lines of every
28 publicly maintained way when any part of the publicly maintained way is open to the use of the public for

1 purposes of vehicular travel.

2 (29) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make
3 arrests for violations of traffic regulations.

4 (30) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and
5 exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

6 (31) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

7 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle;

8 or

9 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,
10 commonly referred to as a donor vehicle.

11 (32) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility
12 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

13 (33) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported,
14 that:

15 (a) has four wheels;

16 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as
17 certified by the manufacturer;

18 (c) is propelled by its own power, using an electric motor or other device that transforms stored
19 electrical energy into the motion of the vehicle;

20 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
21 grid or from renewable electrical energy sources;

22 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

23 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
24 identification number as provided in 49 CFR, part 565; and

25 (g) is equipped as provided in 61-9-432.

26 (34) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed
27 electric vehicle or a golf cart issued under or granted by the laws of this state, including:

28 (a) a temporary license or learner license;

1 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-
2 5-122, whether or not the person holds a valid driver's license; and

3 (c) a nonresident's similarly restricted driving privilege.

4 (35) "Manufactured home" has the meaning provided in 15-24-201.

5 (36) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,
6 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a
7 regular business.

8 (37) "Manufacturer's certificate of origin" means the original paper record produced and issued by the
9 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and
10 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must
11 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of
12 ownership of the vehicle to the person or persons named in the certificate.

13 (38) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be
14 transported, that:

15 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

16 (ii) is propelled by its own power, using an electric motor or other device that transforms stored
17 electrical energy into the motion of the vehicle;

18 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power
19 grid or from renewable electrical energy sources;

20 (iv) is fully enclosed and includes at least one door for entry;

21 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

22 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle
23 identification number as provided in 49 CFR, part 565;

24 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that
25 indicates the vehicle's maximum speed rating; and

26 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

27 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and
28 registration under Title 61, chapter 3.

1 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

2 (39) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

3 (40) "Montana resident" means:

4 (a) an individual who resides in Montana as determined under 1-1-215; or

5 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a
6 registered agent in this state.

7 (41) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any
8 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal
9 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

10 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast
11 guard or any successor federal agency.

12 (42) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed
13 by a court that are operating motor vehicles on a public highway in this state for the transportation of property
14 for hire on a commercial basis.

15 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

16 (43) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and
17 that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry
18 one or more attachments and a seat for the conveyance of a passenger.

19 (b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

20 (c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been
21 modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

22 (d) The term includes an autocycle.

23 (e) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized
24 nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

25 (44) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that
26 produces 5 horsepower or less.

27 (b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized
28 nonstandard vehicle.

1 (45) "Motor home" means a motor vehicle:

2 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached
3 to a self-propelled motor vehicle chassis or van;

4 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2
5 standard; and

6 (c) providing at least four of the following types of facilities:

7 (i) cooking, refrigeration, or icebox;

8 (ii) self-contained toilet;

9 (iii) heating or air conditioning, or both;

10 (iv) potable water supply, including a faucet and sink; or

11 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or both.

12 (46) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be
13 transported, that:

14 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

15 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

16 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a 17-
17 character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

18 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as
19 a "pocket rocket".

20 (c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility
21 device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically
22 for use by a physically disabled person.

23 (47) (a) "Motor vehicle" means:

24 (i) a vehicle propelled by its own power and designed or used to transport persons or property on the
25 highways of the state;

26 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

27 (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated
28 pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

1 (b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal
2 assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered,
3 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
4 used as a means of mobility for that person.

5 (48) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or
6 equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as
7 the result of a retail sale.

8 (49) "Nonresident" means a person who is not a Montana resident.

9 (50) (a) "Not used for general transportation purposes" means the operation of a motor vehicle
10 registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or
11 motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional
12 transportation activity.

13 (b) The term does not include operation of a motor vehicle for routine or ordinary household
14 maintenance, employment, education, or other similar purposes.

15 (51) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country
16 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to
17 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of
18 land transportation deriving motive power from any source other than muscle or wind.

19 (b) The term does not include:

20 (i) vehicles designed primarily for travel on, over, or in the water;

21 (ii) snowmobiles; ~~or~~

22 (iii) bicycles as defined in 61-8-102; or

23 ~~(iii)~~(iv) motor vehicles designed to transport persons or property on the highways unless the vehicle is
24 used for off-road recreation on public lands.

25 (52) "Operator" means a person who is in actual physical control of a motor vehicle.

26 (53) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an
27 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions
28 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the

1 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,
2 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the
3 person in whom is vested the right of possession or control.

4 (54) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

5 (55) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering
6 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,
7 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

8 (56) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and
9 attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the
10 towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or
11 structural members capable generally of sustaining themselves as beams between the supporting connections.

12 (57) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for
13 violations of traffic regulations.

14 (58) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use,
15 having a seat or saddle on which the operator sits.

16 (b) The term does not include golf carts.

17 (59) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on
18 stationary rails.

19 (60) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars
20 coupled to the engine, that is operated on rails.

21 (b) The term does not include streetcars.

22 (61) "Recreational vehicle" includes a motor home, travel trailer, or camper.

23 (62) "Registration" or "register" means the act or process of creating an electronic record, maintained
24 by the department, of the assignment of a license plate or a set of license plates to and the issuance of a
25 registration decal for a specific vehicle, the ownership of which has been established or is presumed in
26 department records.

27 (63) "Registration decal" means an adhesive sticker produced by the department and issued by the
28 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole

1 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the
2 registration period indicated on the sticker as recorded by the department under 61-3-101.

3 (64) "Registration receipt" means a paper record that is produced and issued or, if authorized by the
4 department, an electronic record that is transmitted by the department, its authorized agent, or a county
5 treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic
6 record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the
7 registration of the vehicle for the registration period indicated in the receipt.

8 (65) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,
9 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes
10 other than resale.

11 (66) "Revocation" means the termination by action of the department of a person's driver's license,
12 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's
13 license for a period of time designated by law, during which the license or privilege may not be renewed,
14 restored, or exercised. An application for a new license may be presented and acted on by the department after
15 the expiration of the period of the revocation.

16 (67) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular
17 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,
18 the term refers to any roadway separately but not to all roadways collectively.

19 (68) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

20 (b) The term does not include a canoe or kayak propelled by wind.

21 (69) "School zone" means an area near a school beginning at the school's front door, encompassing
22 the campus and school property, and including the streets directly adjacent to the school property and for as
23 many blocks surrounding the school as determined by the local authority establishing a special speed limit
24 under 61-8-310(1)(d).

25 (70) "Sell" means to transfer ownership from one person to another person or from a dealer to another
26 person for consideration.

27 (71) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
28 carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and

1 that of its load rests on or is carried by another vehicle.

2 (72) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding
3 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and
4 that is not otherwise registered or licensed under the laws of the state of Montana.

5 (73) "Special mobile equipment" means a vehicle not designed for the transportation of persons or
6 property on the highways but incidentally operated or moved over the highways, including road construction or
7 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is
8 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in
9 this subsection is partial and does not exclude other vehicles that are within the general terms of this
10 subsection.

11 (74) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

12 (i) was not originally constructed under a distinctive make, model, or type by a generally recognized
13 manufacturer of motor vehicles;

14 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles
15 from a generally recognized manufacturer of motor vehicles;

16 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained
17 from other vehicles;

18 (iv) has been constructed or assembled by using major component parts from one or more
19 manufactured vehicles and that cannot be identified as a specific make or model; or

20 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or
21 model.

22 (b) The term does not include a motor vehicle that has been repaired or restored to its original design
23 by replacing parts.

24 (75) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is
25 constructed on a truck chassis or that has special features for occasional off-road use.

26 (b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

27 (76) (a) "Stop", when required, means complete cessation from movement.

28 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,

1 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the
2 directions of a police officer, highway patrol officer, or traffic control sign or signal.

3 (77) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the
4 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when
5 space at the dealer's established place of business is not available.

6 (78) "Street" means the entire width between the boundary lines of every publicly maintained way
7 when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

8 (79) "Street rod" means a motor vehicle, other than a motorcycle, that:

9 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,
10 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

11 (b) has been altered from the manufacturer's original design or has a body constructed from
12 nonoriginal materials.

13 (80) "Suspension" means the temporary withdrawal by action of the department of a person's driver's
14 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a
15 driver's license for a period of time designated by law.

16 (81) "Temporary registration permit" means a paper record:

17 (a) issued by the department, an authorized agent, a county treasurer, or a person, using a
18 department-approved electronic interface after an electronic record has been transmitted to the department,
19 that contains:

20 (i) required vehicle and owner information; and

21 (ii) the purpose for which the record was generated; and

22 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and
23 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,
24 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:

25 (i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this
26 title, whichever first occurs; or

27 (ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(3)(b).

28 (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other

1 conveyances either singly or together while using any highways for purposes of travel.

2 (83) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for
3 carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests on
4 the towing vehicle.

5 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

6 (84) "Transaction summary receipt" means an electronic record produced and issued by the
7 department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be
8 created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The
9 record must contain a unique transaction record number and summarize and verify the electronic filing of the
10 transaction described in the receipt on the electronic record of title maintained under 61-3-101.

11 (85) "Travel trailer" means a vehicle:

12 (a) that is 40 feet or less in length;

13 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

14 (c) with gross trailer area of less than 320 square feet; and

15 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not
16 used as a principal residence.

17 (86) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the
18 transportation of property.

19 (87) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and
20 not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

21 (88) "Under the influence" has the meaning provided in 61-8-401.

22 (89) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or
23 given away or had its title transferred from the person who first took title to it from the manufacturer, importer,
24 dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become
25 what is commonly known as "secondhand" within the ordinary meaning of that term.

26 (90) "Van" means a motor vehicle designed for the transportation of at least six persons and not more
27 than nine persons and intended for but not limited to family or personal transportation without compensation.

28 (91) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or

1 drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or
2 tracks.

3 (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered,
4 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is
5 used as a means of mobility for that person.

6 (92) "Vehicle identification number" means the number, letters, or combination of numbers and letters
7 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for
8 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

9 (93) "Vessel" means every description of watercraft, unless otherwise defined by the department, other
10 than a seaplane on the water, used or capable of being used as a means of transportation on water.

11 (94) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of
12 money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a
13 used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or
14 special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1."
15

16 **Section 3.** Section 61-8-102, MCA, is amended to read:

17 **"61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state
18 must be as consistent as possible with the interpretation of similar laws in other states.

19 (2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

20 (a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized under
21 Title 7, chapter 33, an ambulance, or an emergency vehicle designated or authorized by the department.

22 (b) "Bicycle" means a vehicle propelled solely by human power on which any person may ride,
23 irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an
24 electrically assisted bicycle.

25 (c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a bicycle.

26 (d) "Business district" means the territory contiguous to and including a highway when within any 600
27 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to
28 hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on

1 one side or 300 feet collectively on both sides of the highway.

2 (e) "Controlled-access highway" means a highway, street, or roadway in respect to which owners or
3 occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or
4 roadway except at the points and in the manner as determined by the public authority having jurisdiction over
5 the highway, street, or roadway.

6 (f) "Crosswalk" means:

7 (i) that part of a roadway at an intersection included within the connections of the lateral lines of the
8 sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the
9 edges of the traversable roadway; or

10 (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians
11 crossing by lines or other markings on the surface.

12 (g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two ~~tandem or~~
13 ~~three~~ wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no
14 faster than 20 miles an hour on a paved, level surface, fully operable pedals, a saddle or seat for the rider, and
15 an electric motor of less than 750 watts that meets the requirements of one of the following three classes:

16 (i) class 1 electrically assisted bicycle, which means an electrically assisted bicycle equipped with a
17 motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the
18 bicycle reaches a speed of 20 miles an hour;

19 (ii) class 2 electrically assisted bicycle, which means an electrically assisted bicycle equipped with a
20 motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when
21 the bicycle reaches a speed of 20 miles an hour; and

22 (iii) class 3 electrically assisted bicycle, which means an electrically assisted bicycle equipped with a
23 motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the
24 bicycle reaches a speed of 28 miles an hour.

25 (h) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic on
26 a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person,
27 except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular
28 traffic hazard, must be equipped as required by the rules of the department of transportation.

1 (i) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later
2 dedicated to public use.

3 (j) "Ignition interlock device" means ignition equipment that:

4 (i) analyzes the breath to determine blood alcohol concentration;

5 (ii) is approved by the department pursuant to 61-8-441; and

6 (iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a
7 specific amount of an alcoholic beverage.

8 (k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral
9 curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join
10 one another at or approximately at right angles or the area within which vehicles traveling on different highways
11 joining at any other angle may come in conflict.

12 (ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each
13 roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the
14 intersecting highways also include two roadways 30 feet or more apart, then every crossing of two roadways of
15 the highways must be regarded as a separate intersection.

16 (l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for
17 vehicular traffic.

18 (m) "Local authorities" means every county, municipal, and other local board or body having authority
19 to enact laws relating to traffic under the constitution and laws of this state.

20 (n) (i) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular
21 propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source
22 may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level
23 surface. The device must be equipped with a power drive system that functions directly or automatically only
24 and does not require clutching or shifting by the operator after the drive system is engaged.

25 (ii) "Moped" does not include an electrically assisted bicycle.

26 (o) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or
27 combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and
28 includes but is not limited to the vehicles listed in 61-1-101(10)(b).

1 (p) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent
2 with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose
3 of regulating, warning, or guiding traffic.

4 (q) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled
5 wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically
6 disabled person.

7 (r) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

8 (s) "Private road" or "driveway" means a way or place in private ownership and used for vehicular
9 travel by the owner and those having express or implied permission from the owner, but not by other persons.

10 (t) "Residence district" means the territory contiguous to and including a highway not comprising a
11 business district when the property on the highway for a distance of 300 feet or more is primarily improved with
12 residences or residences and buildings in use for business.

13 (u) "Right-of-way" means the privilege of the immediate use of the roadway.

14 (v) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for
15 vehicular travel, including the paved shoulder.

16 (w) "School bus" has the meaning provided in 20-10-101.

17 (x) "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a
18 roadway and the adjacent property lines and that is intended for use by pedestrians.

19 (y) "Traffic control signal" means a device, whether manually, electrically, or mechanically operated,
20 by which traffic is alternately directed to stop and to proceed.

21 (z) "Urban district" means the territory contiguous to and including any street that is built up with
22 structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a
23 distance of one-fourth mile or more."

24
25 **NEW SECTION. Section 4. Electrically assisted bicycles.** (1) On or after January 1, 2022,
26 manufacturers and distributors of electrically assisted bicycles shall apply a label that is permanently affixed, in
27 a prominent location, to each electrically assisted bicycle. The label must contain the classification number, top
28 assisted speed, and motor wattage of the electrically assisted bicycle, and must be printed in Arial font in at

1 least 9-point type.

2 (2) A person may not tamper with or modify an electrically assisted bicycle so as to change the motor-
3 powered speed capability or engagement of an electrically assisted bicycle unless the label indicating the
4 classification required in subsection (1) is replaced after modification.

5 (3) An electrically assisted bicycle must comply with the equipment and manufacturing requirements
6 adopted by the United States consumer product safety commission 16 CFR, part 1512.

7 (4) An electrically assisted bicycle must operate in a manner so that the electric motor is disengaged
8 or ceases to function when the rider stops pedaling or when the brakes are applied.

9 (5) (a) An electrically assisted bicycle may be ridden, with the motor in operation, in places where
10 bicycles that are solely human-powered are allowed, including but not limited to streets, highways, roadways,
11 bicycle lanes, and bicycle or shared-use paths.

12 (b) Following notice and a public hearing, a local authority or state agency having jurisdiction over a
13 bicycle or shared-use path may prohibit the motorized operation of a class 1 electrically assisted bicycle or
14 class 2 electrically assisted bicycle on that path, if it finds that a restriction is needed for safety reasons or
15 compliance with other laws or legal obligations.

16 (c) A local authority or state agency having jurisdiction over a bicycle or shared-use path may prohibit
17 the motorized operation of a class 3 electrically assisted bicycle on that path.

18 (d) This subsection (5)(d) may not apply to a trail that is specifically designated as nonmotorized and
19 that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing
20 materials. A local authority or state agency having jurisdiction over a trail described in this subsection (5)(d)
21 may regulate the use of an electrically assisted bicycle on that trail.

22 (6) No person under 16 years of age may operate a class 3 electrically assisted bicycle. A person
23 under 16 years of age may ride as a passenger on a class 3 electrically assisted bicycle that is designed to
24 accommodate passengers.

25 (7) All class 3 electrically assisted bicycles must be equipped with a speedometer that displays the
26 speed the bicycle is traveling in miles an hour.

27

28 NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an

1 integral part of Title 61, chapter 8, and the provisions of Title 61, chapter 8, apply to [section 4].

2 - END -